

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 CARLO GUILIANO CRESCI,) Case No.: 1:20-cv-00412-SAB (PC)
12 Plaintiff,)
13 v.) ORDER DENYING PLAINTIFF’S MOTION FOR
14 PERKINS, *et al.*,) RECONSIDERATION OF THE COURT’S APRIL
15 Defendants.) 7, 2020 ORDER DISREGARDING HIS REQUEST
16) FOR JUDICIAL NOTICE
17) [ECF No. 21]
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

18 Plaintiff Carlo Guiliano Cresci is proceeding *pro se* and *in forma pauperis* in this civil rights
19 action pursuant to 42 U.S.C. § 1983.

20 Currently before the Court is Plaintiff’s motion for reconsideration, filed on April 28, 2020.
21 Plaintiff seeks reconsideration of the Court’s April 7, 2020 order disregarding his request for judicial
22 notice. Plaintiff’s motion must be denied.

23 On April 3, 2020, Plaintiff filed seven documents entitled “Judicial/Administrative Notice to
24 the Courts” which he contends demonstrate the unsanitary conditions at CSATF. (ECF Nos. 11-17.)
25 On April 7, 2020, the Court disregarded Plaintiff’s documents because they are not subject to judicial
26 notice under Federal Rule of Evidence 201(b).

27 Reconsideration motions are committed to the discretion of the trial court. Rodgers v. Watt,
28 722 F.2d 456, 460 (9th Cir. 1983) (en banc); Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C.

1 Cir. 1987). A party seeking reconsideration must set forth facts or law of a strongly convincing nature
 2 to induce the court to reverse a prior decision. See, e.g., Kern-Tulare Water Dist. v. City of
 3 Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal. 1986), aff'd in part and rev'd in part on other grounds,
 4 828 F.2d 514 (9th Cir. 1987). Further, “[a] party seeking reconsideration must show more than a
 5 disagreement with the Court’s decision, and ‘recapitulation...’” of that which was already considered
 6 by the court in rendering its decision. U.S. v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D.
 7 Cal. 2001) (quoting Bermingham v. Sony Corp. of Am., Inc., 820 F.Supp. 834, 856 (D N.J. 1992)).
 8 Similarly, Local Rule 230(j) requires that a party seeking reconsideration show that “new or different
 9 facts or circumstances are claimed to exist which did not exist or were not shown upon such prior
 10 motion, or what other grounds exist for the motion[.]”

11 In the instant motion, Plaintiff contends that the responses to his “administrative remedies” by
 12 Defendants are necessary to establish his claim of deliberate indifference. (ECF No. 21.) As Plaintiff
 13 was previously advised, the documents submitted are not the type that are subject to judicial review
 14 under Rule 201(b). Plaintiff’s contention that the documents are relevant to support his claims does
 15 not make them subject to judicial notice. In addition, Plaintiff’s disagreement with the Court’s April
 16 7, 2020 order does not warrant reconsideration. Thus, Plaintiff has failed to present any new or
 17 difference or circumstances that did not exist upon the filing of his judicial and administrative notices.
 18 Rather, Plaintiff demonstrates only his misunderstanding of Federal Rule of Evidence 201(b).
 19 Accordingly, Plaintiff’s motion for reconsideration of the Court’s April 7, 2020 order is DENIED.

20
 21 IT IS SO ORDERED.

22 Dated: April 29, 2020


 UNITED STATES MAGISTRATE JUDGE